

### REMARKS/ARGUMENTS

This is a Response to the Office Action mailed March 3, 2003, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire June 3, 2003. Enclosed is our check to cover the fee for a three-month extension of time, to September 3, 2003. Thirteen (13) claims, including 1 (one) independent claim, were paid for in the application. Claims 1-13, 15 and 20 have been canceled. Claims 14, 16-19 and 21-23 have been amended. New claims 24-33 have been added. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 14, 16-19 and 21-33 are pending.

### Objections

The Examiner required a new oath or declaration due to the non-initialled, non-dated alteration to the first inventor's address. A copy of the Declaration on which the first inventor has initialled the handwritten changes is attached.

The Examiner objected to claims 15-23 due to improper dependencies. Such dependencies have been corrected.

### Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 14-23 under 35 U.S.C. §103(a) as unpatentable over McAlister, United States Patent No. 5,462,513, in view of Clarkson, United States Patent No. 3,090,591, and rejected claims 14-23 under 35 U.S.C. §103(a) as unpatentable over Knelson, United States Patent No. 5,338,284, in view of Clarkson, United States Patent No. 3,090,591. It is submitted that the amended and newly-submitted claims patentably distinguish the prior art.

As stated in the disclosure at page 7, lines 11-13, the present invention uses modified "muscle valves" of the general type manufactured by The Clarkson Company, however, such modifications are significant and non-obvious to permit such muscle valves, previously used in pipelines, to function in the environment of a centrifugal concentrator. The prior art Clarkson-type valves as exemplified in United States Patent Nos. 3,047,008 and 3,090,591 use hydraulic pressure to apply pressure to the outer periphery of the bushing which

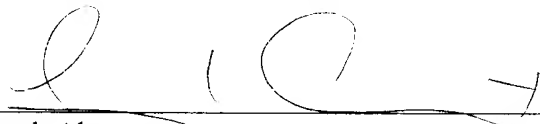
constricts the central passageway. See column 4, line 71 to column 5, line 6. Castor oil is the preferred hydraulic fluid. Details of the hydraulic pump 61 and hydraulic lines 65b are shown in Figure 1 of Clarkson United States Patent No. 3,047,008 and described at column 4, lines 4-19. The use of such hydraulics is unsuitable in the rapidly rotating environment of a centrifugal concentrator. The present inventors discovered that by modifying the Clarkson valves to operate on compressed gas, such as air, the problems with the hydraulic fluid were overcome. Such a modification was a creative application of inventive skill which had not been previously foreseen. It is submitted therefore that the person skilled in the art would not be led without some invention to the presently claimed invention.

It is submitted therefore that the amended and newly-submitted claims are allowable, and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

Steven A. McAlister et al.

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Enclosures:

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